

# **Section V**

**Responsibility 3: Rules for Enforcing  
School Attendance Requirements**

## **V. Issuance of the Compulsory Attendance Rules**

*“Issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools, pursuant to Article II, § 6 of An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes.” State Education Office Establishment Act of 2000, Section 6(b)(3).*

### **A. Background**

#### **1. Introduction**

In the District of Columbia, children between the ages of 5 and 18 are required to attend school in accordance with the Compulsory School Attendance Law and the rules that are issued by the D.C. Board of Education. Currently, the D.C. Board of Education issues the compulsory attendance rules and the Superintendent has oversight responsibility for the enforcement of these rules.

During the process of researching whether the issuance of the compulsory attendance rules for the District of Columbia should continue to be the responsibility of the D.C. Board of Education or whether this state-level function should reside in the State Education Office, the SEO staff met with various stakeholders representing educational interests for all children in the District of Columbia. This process was very informative, and the viewpoints of the stakeholders have been taken into consideration in making a final decision on where the issuance of the compulsory attendance rules function should be placed.

The research process also consisted of benchmarking the practices of several states, and meeting with representatives of the D.C. Public Schools.

#### **2. Legislation and Legislative History**

The original legislation governing compulsory school attendance for the taking of a school census in the District of Columbia and for other purposes can be found in chapter 140 of the United States Statutes At Large, 68<sup>th</sup> Congress (1923-1925), Volume 43, page 806, Article I, “Compulsory School Attendance,” Section 1, part 1 of Public Laws. This statute was enacted February 4, 1925. Compulsory school attendance was later placed in the D.C. Code, Title 31, Education and Cultural Institutions, Section 31-201 “Resident children of 7 to 16 years to have instruction during school year-Duty of parent or guardian,” page 2033. The latter legislation was amended March 8, 1991, by the adoption of D.C. Law 8-247 “District of Columbia Compulsory School Attendance Amendment Act of 1990.”

In 1925, all children between the ages of 7 and 16 years of age were required by law to receive regular instruction in public, private, or parochial schools or to receive private instruction during the time that D.C. Public Schools were in session. Any child between the ages of 14 and 16 who had completed the eighth grade to the satisfaction of the Board of

Education could be dismissed from further attendance provided they were regularly employed.

Also within Article I of Compulsory School Attendance was the mandate that a daily record of attendance had to be kept for children between ages 7 and 16 by teachers in public, private, and parochial schools, or students receiving private instruction. Furthermore, compulsory school attendance regulations allowed for parents or guardians to be fined \$10 or imprisoned for up to five days, or both, if children failed to attend school.

### **3. History and Current Status**

In the District of Columbia, the compulsory attendance requirements are enforced by the Superintendent in accordance with the District of Columbia Code of Laws and rules that are issued by the D.C. Board of Education. The compulsory attendance rules, which are located in Chapter 21 (Attendance and Transfers) of the District of Columbia Municipal Regulations, Title 5, Board of Education, encompasses rules for attendance, absences, closed campuses, and truancy.

Students between the ages of 5 and 18, who are attending school in the District of Columbia, are required to be in school during the hours that school is in session. However, the rules do allow for excused absences, which consist of the following:

- illness of the student;
- illness or family emergency that requires the student to be at home;
- the death of an immediate family member;
- the closing of school by authorities of the District of Columbia;
- necessity for the student to attend a judicial procedure;
- observation of a religious holy day by members of a religious group;
- suspension or exclusion by school authorities;
- temporary closing of schools due to inclement weather; and
- other absences approved in advance by the principal upon the written request of the guardian or adult student.

Currently, the procedure is that a proposed rule is drafted by an attorney in the Office of the Superintendent of the D.C. Public Schools or in the school system's Office of General Counsel. Once the draft has been completed, it is submitted to the Superintendent for approval. The Superintendent then forwards the approved proposed rule with a

recommendation for action to the D.C. Board of Education. The Board may publish the rules in the D.C. Register as a notice of proposed rule-making or combined emergency and proposed rule-making. In either case, a period for public comment is provided. The Board may also choose to reject the draft proposed rule.

## **B. Description Of Practices In Other States**

In conducting a comparative analysis of practices of other state education agencies, it has been found that most states do not issue rules governing compulsory attendance. However, the states that were used for benchmarking purposes for this function all issued laws that governed the attendance rules of each local education agency.

Following is a summary of answers to questions that were asked of state education agencies from the states of Virginia, New York, Connecticut, and North Carolina.

### **Virginia**

In Virginia, local school division superintendents are responsible for enforcing and overseeing the state's compulsory school attendance rules. The state has no real role in monitoring student/parent compliance. The state does issue general regulations regarding pupil accounting. However, attendance policies and regulations are the responsibility of the local school board. The State Education Agency (SEA) does not have responsibility for the regulation of private, independent, or parochial schools. State law requires local school boards to monitor charter schools, because charter schools are public institutions. Charter schools may get some relief from regulations that apply to other public schools in the form of waivers, but must follow the same laws as other public schools. The Compulsory School Attendance Law in Virginia requires that children receiving home instruction be taught for the same number of days and hours as students attending public schools (minimum 180 days or 990 instructional hours per year, with a minimum of 5 ½ hours per day). The SEA does not monitor compliance with this requirement at either the state or local level. Enrollment information is collected twice each school year. In Virginia, the compulsory school attendance ages are from 5 to 18 years of age.

### **New York**

The office with the responsibility for monitoring compulsory school attendance in New York is the Basic Education Data Systems. It is the responsibility of the local school districts to ensure compulsory school attendance, except when that school district does not address problems that would affect the continuation of a school. The state government adopts minimum standards. Local school districts also can adopt policies that are governed by minimum standards set by their local boards of education. In New York State, school buildings are open for instruction 180 days per year. The state issues rules for public schools and all non-public schools and students being schooled in the home, according to state law, are required to be equivalent to public schools. Student instruction in the home is considered to be equivalent if instruction occurs 180 days a year for approximately the same amount of

time that public schools are open for the grade of the child in question. Both the state and local education agencies maintain data on the number of students enrolled in all schools. In New York, compulsory school attendance ages are 6 to 16 years of age.

### **Connecticut**

In the state of Connecticut, local school districts monitor student attendance. There is no monitoring at the state level. Local education agencies write and issue attendance rules. The state of Connecticut collects enrollment data on private, independent, and parochial schools that they know of; however, there is not a requirement for private, independent nor parochial schools to register with the state. The attendance rules in Connecticut do not affect home schooling. As of October 1 of each school year, local school districts report student enrollment to the state. Most private schools report enrollment in order to qualify for Title I funds.

### **North Carolina**

In the state of North Carolina, LEAs are responsible for monitoring compliance with the compulsory attendance law. The State Education Agency advises LEAs regarding the law, but does not monitor compliance. The Department of Public Instruction is responsible for the issuance of attendance rules for the State. The Department of Public Instruction issues attendance rules for all public schools and public charter schools; however, it does not oversee home schooling.

LEAs may get involved when questions arise regarding students' attendance in home schools. The Statistical Research Section within the Department of Public Instruction collects monthly enrollment data from LEAs. The compulsory attendance ages for students receiving school instruction in North Carolina is between the ages of 7 and 16. Non-public schools instructing children of compulsory school attendance age are required by law to keep attendance records.

### **Further Analysis of Other Jurisdictions**

According to a 2001 study that was conducted by the Student Intervention Services Branch of the Division of Student and School Support Services (DCPS), the majority of State Education Agencies are primarily involved in establishing laws that govern the attendance rules for the local districts. The states that were studied were Pennsylvania, Delaware, Maryland, Virginia, and New Jersey.

## **C. Statement of Options**

**Option One:** Transfer to the State Education Office the authority and responsibility for issuing rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools, pursuant to Article II, § 6 of An Act (D.C. Act 8-331, later enacted as D.C. Law 8-247) to provide, in part, for compulsory school attendance.

Discussion: Transferring the authority and responsibility for issuing attendance rules for all schools in the District of Columbia, which would be governed by the Compulsory School Attendance Law (D.C. Law 8-247), to the State Education Office would set the standards for compulsory attendance for all schools (public, public charter, independent, private, and parochial schools) in the District of Columbia.

Advantages:

- The transfer of the authority and responsibility for issuing the compulsory attendance rules to the SEO would bring more visibility and clout to the rules. This is because, unlike the D.C. Board of Education, the State Education Office's authority would be citywide, irrespective of the type of school.
- Placement of the function in the SEO could very well provide an impetus for useful analyses of data to identify trends, patterns in attendance, and other indicators of education performance District-wide.
- The transfer of the function would also allow the SEO, as the agency that handles state-level functions, to act as a convening body of key stakeholders of all schools to discuss and resolve pertinent issues that relate to attendance (i.e., truancy).

Disadvantage:

- The transfer of the function to the State Education Office could possibly represent a duplication of functions, if current legislation is not amended.

**Option Two:** The D.C. Board of Education retains the authority and responsibility for the issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools, pursuant to Article II, § 6 of An Act (D.C. Act 8-331, later enacted as D.C. Law 8-247) to provide, in part, for compulsory school attendance.

Discussion: Having the D.C. Board of Education retain the authority and responsibility to issue the attendance rules would maintain the status quo could possibly hinder the ability of the SEO to act as a convening body with regard to all schools. If the Board of Education retains this responsibility, it may limit the SEO's authority to further analyze pertinent issues related to the attendance rules, since the SEO would not be issuing the rules.

Advantages:

There are no compelling advantages for the S EO to decline a role in issuing the compulsory attendance rules for schools in the District of Columbia.

Disadvantage:

- Maintaining the authority and responsibility of issuing attendance rules with the D.C. Board of Education would remove opportunities to strengthen the compulsory attendance rules through collaborations and instructive sessions with stakeholders and administrators from all school types in the District of Columbia.

## **D. SEO Recommendation And Rationale**

### **Recommendation**

It is recommended that the State Education Office of the District of Columbia fully assume the authority and responsibility of issuing rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools, as stated in Option One.

### **Rationale**

The transfer to the SEO rule-making authority for issuing rules regarding enforcement of school attendance requirements would mean that the rules are issued by a D.C. Government agency whose sole mission would be to focus on state-level education functions. The transfer of this authority would also translate into an increase in credibility for the attendance rules, as well as an acceptance of the implementation of such rules.

In the final analysis of making the decision to transfer the rule-making authority for issuing the attendance rules to the SEO, the views of key stakeholders have been taken into consideration, as has the benchmarking of current practices of other State Education Agencies that were analyzed in conjunction with this study. The decision criteria also support the recommendation that has been made for transferring the authority and responsibility for issuing compulsory attendance rules to the SEO. Each component of the decision criteria was carefully examined before a recommendation was considered.

The Compulsory School Attendance Law (CSAL) governs attendance for all schools in the District of Columbia. The attendance requirements currently issued by the Board of Education are derived from the CSAL. Since these rules are derived from the CSAL (a law that was passed by the D.C. City Council), the responsibility to issue the attendance rule should rest in a high-level state agency, i.e., the State Education Office of the District of Columbia.

Finally, the recommendation to transfer the authority and responsibility for the issuance of compulsory attendance rules to the SEO was based on the conclusion that the transfer of this function would be in the best interest of the students. Effective education really begins with

compulsory attendance. It is without question that in order for students to learn, they must be in an educational setting. Transferring rule-making authority for issuing attendance rules to the SEO would strengthen the current rules and allow the SEO to convene businesses and other government agencies to focus on and analyze all issues related to compulsory attendance. These actions could, in turn, lead to a higher rate of school attendance in the District of Columbia.

## **E. Application Of Decision Criteria**

The State Education Office has used the following decision criteria for determining whether or not to recommend the transfer of each of the ten additional functions listed in the State Education Office Establishment Act of 2000.

### **1. Consistency With the Vision and Mission of the SEO**

The State Education Office's mission is to enhance the management and efficiency of state-level education functions and to ensure the equitable distribution of resources for the education of students District-wide. In that respect, the issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools would be consistent with the mission of the State Education Office.

### **2. Effect on the Transferring Agency**

The transfer of the responsibility and authority to the SEO for issuing rules regarding the enforcement of attendance regulations for all schools in the District would not significantly affect the ability of DCPS and the D.C. Board of Education to carry out their remaining responsibilities. However, the transfer of rule-making responsibility would require a modification of current law. Rules issued by the State Education Office of the District of Columbia would affect all schools in the city — public, independent, private, and parochial. A current exception, however, is public charter schools, which under the District of Columbia School Reform Act of 1995, PL 104-194, §2204(c)(3)(A) are “*exempt from District of Columbia statutes, policy rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter of this subtitle.*”

### **3. Effect on the Quality of Educational and Other Services to Children and Adults**

Transfer of the responsibility and authority to the SEO for issuing rules regarding the enforcement of attendance regulations for all schools in the District would not diminish the quality of educational services provided by educational institutions not affiliated with the D.C. Public Schools, because the SEO would only be responsible for writing the rules, as opposed to the implementation of the rules.



#### **4. Potential for Duplication of Functions**

Transfer of this function would not duplicate the functions of various District agencies. Currently, the D.C. Board of Education issues rules that govern attendance for D.C. school children. Non-public schools have their own guidelines for attendance, but these rules are based on the Compulsory School Attendance Law (D.C. Law 8-247).

#### **5. Effect on Reporting Requirements**

There would be an increase in reporting requirements related to implementation of these rules. The Superintendent of the District of Columbia Public Schools could possibly be required to report annually or biannually on progress and problems related to implementation. The purpose of the reports would be to provide information needed to determine if requisite data were being received by the Superintendent and how the data were being analyzed and used. The format and timing of reports would be established in a collaborative manner so as to minimize the reporting burden and maximize the utility of these reports.

#### **6. Potential for Conflict of Interest**

No conflicts of interest due to the transfer of the function are foreseen at this time.

#### **7. Effect on Cost**

With regard to additional costs for the District, the State Education Office might need additional funding for staff. It is expected that the responsibility for developing rules regarding the enforcement of school attendance requirements for all schools would be included in the portfolio of a senior person on the SEO staff.

### **F. Transition Plan for Assumption of the Function**

#### **1. Authority and Responsibility of Each Party at Each Stage of the Transition**

The State Education Office Establishment Act of 2000 provides for the State Education Office of the District of Columbia to study, make recommendations, and develop a transition plan for ten additional state-level functions that are currently handled by another agency. One of the functions studied for possible transfer to the SEO is the issuance of rules regarding enforcement of school attendance requirements for all schools, including public, public charter, and private schools. The transition of the responsibility would not be complicated and once the attendance rules had been written, the issuance of these rules could be quickly accomplished and applied to all D.C. schools. There is a possibility that a change in legislation would have to occur, delegating the responsibility for writing attendance rules to the SEO, since that responsibility currently resides with the D.C. Board of Education.

## **2. Dates and Benchmarks for Assumption of Authority, Responsibility, Budget, and Employees**

If the State Education Office assumes the responsibility and authority for issuing attendance rules, the transfer of the function from the D.C. Board of Education could take place immediately. At this time, the SEO does not foresee the need for additional employees for this function.

A Technical Working Group would be organized consisting of various stakeholders (representatives of DCPS, the D.C. Board of Education, the chartering authorities, advocacy groups, etc.) to provide advice on the development of rules regarding enforcement of school attendance requirements.

In preparation for formulating, the Group would review guidelines already in place, as well as the rules of other urban school districts. If appropriate, representatives from nearby school districts (e.g., Falls Church, Arlington, Montgomery County) might be invited to discuss their experiences. Upon reviewing current rules governing enforcement of school attendance requirements, the Group would discuss their experiences administering these rules, and decide whether to recommend modifications or changes. The Group would make recommendations to the SEO on the content of rules to be issued, and would review and comment on draft statements.

## **3. Estimated Cost to the SEO for Assumption and Management of Function and Recommended Source(s) of Revenue**

The most significant cost would be that of staff time. It is expected that responsibility for developing rules governing enforcement of school attendance for all schools would be included in the portfolio of a senior person on the SEO staff.

## **4. Factors With Potential for Disrupting Services to Students and Recommended Steps to Prevent Disruption**

At this time, the State Education Office does not foresee any potential for the assumption of this responsibility to disrupt services to students.

If the rules are not issued in a timely manner and school administrators in the District of Columbia do not have ample time to familiarize themselves, students, and parents of the SEO-issued rules, then the schools would continue to abide by the rules already in place. The rules issued by the State Education Office will take effect the subsequent school year.